

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

21-CR-6133(CJS)

JAMES PANE,

Defendant.

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, on October 18, 2021, the defendant, JAMES PANE, pled guilty to a one-count Information (docket # 21-CR-6133, ECF No. 23) that charged him with threatening by mail to injure or intimidate and unlawfully damage and destroy property by means of an explosive, in violation of Title 18, United States Code, Section 844(e), and,

WHEREAS, based upon the defendant's conviction on Count 1, and from his admission to the forfeiture allegation contained in the Information, the government has established the requisite nexus between the property and the offense committed by the defendant and therefore the following property is subject to forfeiture:

FIREARM:

- a. One Polymer80, Inc. pistol (P80 Tactical P80), with no serial number, seized from 151 Bernice Street, Rochester, New York, on April 8, 2021.

AMMUNITION AND FIREARM PARTS AND ACCESSORIES:

All seized from 241 Harding Road, Rochester, New York, on April 8, 2021:

- a. Two (2) silencers, both black;
- b. One (1) Polymer 80, Inc. (P80 Tactical P80), unknown receiver/frame, with no serial number;
- c. One (1) round of RWS Ammunition CAL: 40;
- d. Forty-Three (43) rounds of unknown ammunition CAL: 40;
- e. Forty-One (41) rounds of Remington ammunition CAL: 9;
- f. Twelve (12) rounds of Winchester-Western ammunition CAL: 40;
- g. Sixteen (16) rounds of Federal ammunition CAL: 9;
- h. One Hundred Twenty-Two (122) rounds of Speer ammunition CAL: 9;
- i. Two Hundred Thirty-Nine (239) rounds of CCI ammunition CAL: 22;
- j. Forty-Nine rounds of Jagemann Technologies ammunition CAL: 9;
- k. Twenty-Two (22) rounds of Fiocchi ammunition CAL: 40;
- l. Fifty-Eight (58) rounds of Remington ammunition CAL: 40;
- m. Twenty-Five rounds of RWS ammunition CAL: 40;
- n. One (1) rounds of Sig Sauer (SIG) ammunition CAL: 9;
- o. Eleven (11) rounds of Speer ammunition CAL: 40;
- p. Two (2) rounds of unknown ammunition CAL: 9;
- q. One (1) round of other ammunition CAL: 45;
- r. One (1) round of RWS ammunition CAL: 40;
- s. Twenty-Nine (29) rounds of Remington ammunition CAL: 40;
- t. Two (2) rounds of Fiocchi ammunition CAL: 40;
- u. One (1) round of RWS ammunition CAL: 40;
- v. Three (3) rounds of Speer ammunition CAL: 9;
- w. One (1) round of Remington ammunition CAL: 40;

- x. One (1) round of CCI ammunition CAL: 22/12;
- y. Thirteen (13) rounds of Speer ammunition CAL: 40; and
- z. Six (6) rounds of Fiocchi ammunition CAL: 40.

NOW THEREFORE, pursuant to Federal Rule of Criminal Procedure 32.2(b)(2), Title 18, United States Code, Sections 924(d) and 3665, and Title 28, United States Code, Section 2461(c), it is hereby;

ORDERED, ADJUDGED, and DECREED that pursuant to Title 21, United States Code, Section 853(c) and (e) through (p), the above listed property and/or any interest therein is hereby condemned and forfeited to the United States of America and shall be disposed of according to law; and it is further

ORDERED, ADJUDGED, and DECREED that this Order shall serve as a judgment in favor of the United States of America regarding any and all of the defendant's right, title, and interest in the above described property. The property is hereby condemned and forfeited to the United States of America and shall be disposed of according to law, and the United States of America shall seize the aforementioned property, to protect the interests of the Government in the property ordered forfeited by providing a copy of this Order to any person or entity which has possession of, or jurisdiction over the forfeited interests, and by taking all steps necessary and appropriate to protect the interests of the United States of America, including the taking of actual possession of the property; and it is further

ORDERED, ADJUDGED and DECREED that pursuant to Title 21, United States Code, Section 853(h), following the seizure of the property ordered forfeited, the Attorney General shall direct the disposition of the property making due provision for the rights of any innocent persons; and it is further

ORDERED, ADJUDGED, and DECREED that pursuant to Title 21, United States Code, Section 853(n)(1), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General may direct, and provide notice that any person, other than the defendant, having or claiming a legal interest in the above forfeited property must file a petition with the court within thirty (30) days of the final publication of notice, or of receipt of actual notice, whichever is earlier.

This notice shall state that the petition shall be for request of a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property, and any additional facts supporting the petitioner's claim and the relief sought.

The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in any of the property that is the subject of the Order of Forfeiture, as a substitute for published notice as to those persons so notified, and it is further,

ORDERED, ADJUDGED, AND DECREED, that in the event that a Final Order of Forfeiture is issued concerning the subject property, the United States Marshal Service and/or

any other duly authorized federal agency shall dispose of the forfeited property according to law. The United States Marshal Service and/or any other duly authorized federal agency shall be reimbursed for all costs incurred arising from the seizure and custody of said property. All remaining funds shall be deposited with United States Department of Justice Asset Forfeiture Fund; and it is further,

ORDERED, ADJUDGED, AND DECREED, that upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to Title 18, United States Code, Sections 924(d) and 3665, and Title 28, United States Code, Section 2461(c).

Dated: November 30, 2021, Rochester, New York.

Charles J. Siragusa
HON. CHARLES J. SIRAGUSA
UNITED STATES DISTRICT JUDGE